

**REMARKS**

Claims 1-20 are pending in the present application after this amendment adds new claims 19 and 20. Claims 1, 2, 4-6, 8, 9, and 14-18 are amended by this amendment. No new matter is added by the amendments, which find support throughout the specification and figures. In particular, the amendments are supported at least at paragraph 0093 of the published application. In view of the amendments and the following remarks, reconsideration and allowance of the instant application are respectfully requested.

Applicants acknowledge with appreciation the Examiner's assistance in evaluating the application in the interview occurring on or about November 16, 2007, in which no agreement was reached.

Claims 1-5, 11, 12, and 14-16 stand rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Applicants respectfully traverse.

Claims 1-3, 11, 12, 14, and 15, are all directed to a recording medium, and are all therefore statutory. A recording medium is statutory material when functional descriptive material is recorded (MPEP 2106.01; stating "When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized."). The Specification mentions that "[t]he entertainment device 12 also has the function of executing programs obtained by communication via a communication network, etc." (Specification; paragraph 0059). The Office Action concludes that "the recording medium includes signals and waveform" (Office Action; page 10, top). Applicants respectfully disagree and assert that the recording mediums claimed in the various rejected claims include functional descriptive material and are therefore statutory.

Applicants amend the preambles of claims 4, 5, and 16, to recites “a recording medium having stored thereon a computer-readable and –executable program ....” Applicants therefore submit that all of the pending claims are directed to proper statutory subject matter.

Claims 1, 2, 4, 6, 7, 9, and 14-18 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,454,652 to Miyamoto et al. (hereinafter Miyamoto). Applicants respectfully traverse.

Applicants amend claim 1 to clarify the claimed subject matter, and submit that the amended claim is allowable. Amended claim 1 relates to a recording medium that includes a recorded program and data to be used in a program execution system including a program execution device that executes various programs, at least one operation device into which are inputted operation requests by a user as operation instructions to said program execution device. In the recording medium of claim 1, the recorded program has *a direction maintenance step by which if*, along with a motion of any character on said display device, *based on an operation instruction about a character motion direction, a switching is made from a first fixed viewing perspective to a second fixed viewing perspective* on said display device and said operation instruction is maintained, *the direction of motion of said character in said second fixed viewing perspective is maintained in coordination with the direction of motion of the character on a map in said first fixed viewing perspective at least immediately before the switching is made.*

Regarding the rejection based on Miyamoto, the Office Action continues to rely on column 37, lines 35-42 and figure 23A as disclosing the feature of the amended claims that the direction of motion is maintained in a second scene as long as the operation instruction is maintained by a user. This section states in its entirety:

FIG. 23A depicts camera mode pattern 1 (which is referred to as the tower camera mode), where the circled "M" represents Mario, whose movement is indicated by the dashed line in FIG. 23A. From the first position indicated to the second position indicated, the apparent camera perspective changes with Mario's movement with the line of view of the first and second positions intersecting at the identified origin.

However, again, the cited sections apparently only discuss changing a viewing perspective, and do not discuss *the user operation* at all, and specifically do not disclose or suggest that *the user operation is maintained*. The Office Action further states in response to our previous amendment that there is no indication in Miyamoto of a user's control being maintained, or a direction of a motion of the character being maintained (continuous), that a user operation is disclosed, and that continuous motion is inherent (Office Action; page 10, section 8). However, the claims are not directed to a user operation, but more specifically to maintaining a character's direction in the virtual space in response to the user maintaining an operation instruction after a view change. Miyamoto does not disclose or suggest this feature of claim 1, and therefore claim 1 is allowable.

Additionally, in the interest of expediting prosecution, Applicants have amended the claim to recite that the direction maintenance step in which a switching is made from *a first fixed viewing perspective to a second fixed viewing perspective* on said display device and said operation instruction is maintained. Miyamoto does not disclose or suggest changing from one fixed viewpoint to another, and additionally does not disclose or suggest the effect of a user maintaining an operation instruction during the switching. Therefore, Miyamoto does not also disclose or suggest that *the direction of motion of said character in said second fixed viewing perspective is maintained in coordination with the direction of motion of the character on a map*

*in said first fixed viewing perspective at least immediately before the switching is made.*

Applicants therefore submit that claim 1 is allowable for at least this additional reason.

Claims 4, 6, and 9 recite features similar to those discussed above in regard to claim 1, and therefore each of these claim is allowable for at least the same reasons as claim 1 is allowable.

Claim 2, 14, and 15 depend from claim 1, claim 16 depends from claim 4, claims 7 and 17 depend from claim 6, and claim 18 depends from claim 9, and therefore these claims are allowable for at least the same reasons as their respective base claims are allowable.

Claims 3, 5, 8, and 10-13 are rejected under 35 U.S.C. §103(a) as being unpatentable over Miyamoto. Applicants respectfully traverse.

In claim 3, *the second computation step determines at least position coordinates of the character in the scene after switching the viewpoint, as long as an operation is inputted by the user before switching the viewpoint, by using the motion vector of the character motion based on the operation.*

The Office Action admits that Miyamoto does not disclose the feature of the second computation step, but the Office Action argues that such a feature is inherent in Miyamoto. Applicants respectfully query whether the claims are rejected as obvious, implying that a modification is obvious and motivated, or whether the rejection is properly an anticipation rejection based on an inherent feature. Clarification of the rejection is therefore respectfully requested.

Applicants respectfully disagree with this conclusion of inherency, which requires that such a feature necessarily follows from a recited structure or process. Applicants submit that numerous other computation methodologies are possible in place of the second computation step

recited in claim 3, which the Office Action asserts is inherent. In particular, it is possible, and Applicants submit common in the gaming world, to tie a character motion to a joystick input as shown in a *current* viewpoint shown *at the time* the joystick input is made. In contrast, Applicants claimed subject matter ties the movement caused in a character to a current joystick input with respect to a *former* viewpoint. Therefore, Applicants submit that the test for inherency, that the feature necessarily follows from the recited structure, is not met in the current situation.

As the MPEP at 2143.03 states, “[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art.” (citing *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496). Applicants submit that, since the Office Action admits that Miyamoto does not disclose certain elements of the claim, then claim 3 cannot be obvious over the particular reference, since the obviousness inquiry at most allows the combination of known elements or the modification of elements in a known manner. The Office Action admits that Miyamoto does not disclose a second computation step that determines *position coordinates of the character in the scene after switching the viewpoint, as long as an operation is inputted by the user before switching the viewpoint, by using the motion vector of the character motion based on the operation*. Applicants submit that this feature is not obvious since Miyamoto does not disclose or suggest the feature of determining a position, based on a user input prior to a viewpoint change, after the viewpoint change. Therefore, Applicants submit that claim 3 is allowable for at least this reason.

Claims 5, 8, 10, and 11 recite a feature similar to that discussed above in regard to claim 3 and are therefore allowable for at least the same reasons as claim 3 is allowable. Claim 12

depends from claim 11 and is therefore allowable for at least the same reasons as claim 11 is allowable.

Claim 13 relates to a program execution system in which, among other things, if an operation instruction is maintained during a switch from the first display device viewpoint to the second display device viewpoint, *the second motion vector governing movement of the character in the second display device viewpoint is controlled in accordance with the first movement coordinate system, such that movement of the character is consistent between first and second display device viewpoints* while the operation instruction is maintained during and immediately after the switch between the viewpoints. For at least the same reasons as claim 3 is allowable, claim 13 is also allowable.

The Examiner also asserts that this feature would be obvious asserting that “the position coordinates of Mario would be determined from the motion vector because Mario’s position is dynamically computed and the motion vector (set by the joystick) would *help to determine* where Mario will be next, or where Mario will be when the movement of the joystick ceases” (Office Action; page 8, bottom; emphasis added). Applicants submit that, assuming *arguendo* the veracity of the Office Action’s assertion, there is no indication that it is obvious, or inherent, to maintain the movement of a character in a second coordinate system based on an input with respect to a first coordinate system. It is respectfully submitted that Miyamoto does not disclose or suggest this feature, and therefore claim 13 is allowable over the reference.

New claim 19 depends from claim 1 and is therefore allowable for at least the same reasons as claim 1 is allowable. Additionally, claim 19 recites that the switching from the first fixed viewing perspective to the second fixed viewing perspective is discontinuous. Applicants respectfully submit that none of the cited references disclose or suggest this feature.

New claim 20 includes the features of claim 8, as well as the additional features that image processing means includes *an operation input decision means that decides whether an operation input from at least one operation device maintains before and after the viewpoint switching means switches the current view*, wherein the second computation step determines at least position coordinates of the character in the scene after switching the viewpoint, *when the operation input decision means decides the operation input from the operation device is maintained*. Applicants respectfully submit that none of the cited references disclose or suggest this feature.

In view of the remarks set forth above, this application is believed to be in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged on Deposit Account 50-1290.

Respectfully submitted,

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